Government of Maharashtra
Home Department
Government Resolution No.: PCA-1013/CR- 109 /Pol-3

Home Department, World Trade Centre,
Cuffe Parade, Mumbai-400 005.
Date: 15th July, 2013.

Read -

1. **Judgment dated 22/09/2006 of the Hon'ble Supreme Court of India in Writ Petition (Civil) No.310/1996 in Prakash Singh and Others Vs. Union of India and Others.**
2. **Government Resolution No.NPC-1008/2/CR-6/POL-3, dated 25/07/2008.**

Background

The Government of India had appointed a National Police Commission (NPC) for fresh examination of the role and performance of police, both as a law enforcing agency and as an institution to protect the rights of citizens enshrined in the Constitution of India. The NPC, after examining all the issues in depth, submitted various reports and the final report in 1981. Prakash Singh and Others had filed Writ Petition (Civil) No.310 of 1996 against Union of India and others under Article 32 of the Constitution of India for direction to implement the report of the NPC and to frame a new Police Act in order to ensure that police is accountable essentially and preliminarily to the law of the land and the people.

The Hon'ble Supreme Court of India, while deciding the said Writ Petition by its judgment dated 22/09/2006, has held that it is essential to lay down guidelines to be operative till the new legislation is enacted by State Governments. The Hon'ble Supreme Court of India has issued directions under Article 32 read with Article 142 of the

Constitution of India for Constitution of State Police Complaints Authority and District Police Complaints Authorities in the said Judgment.

Resolution

In pursuance of the judgment of the Hon'ble Supreme Court of India and till appropriate changes are made in the Maharashtra Police Act, 1951 and /or other relevant rules on the lines of the Supreme Court directions, the Government of Maharashtra issued Government Resolution referred to at Sr. No. (2) Above. Now after due consideration of Hon'ble Supreme Court's order dated 22/09/2006, the Government of Maharashtra reconstitutes the State and District Level Police Complaints Authorities as under :

There shall be Police Complaints Authority at the State Level consisting of the following:-

1.	A retired High Court Judge	-	Chairperson
2.	A Police Officer superannuated in the rank not below the Inspector General of Police	-	Member
3.	A person of eminence from the civil society	-	Member
4.	A retired officer not below the rank of Secretary/ Commissioner to the State Government.	-	Member
5.	An officer not below the rank of Additional Director General of Police	-	Member Secretary

2 The Chairperson of the State Level Police Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Hon'ble Chief Justice of the Bombay High Court. Members of the State Level Police Complaints Authority shall be selected by the State Government from a panel prepared by a three member Committee comprising (i) the Chairman, State Human Rights Commission (Maharashtra),

(ii) the State Upa-Lokayukta (Maharashtra) and (iii) the Chairman, Maharashtra Public Service Commission.

3 The State Police Complaints Authority shall exercise powers and functions as under:-

(i) look into the complaints against police officers of the rank of Superintendent of Police/Deputy Commissioner of Police and above in respect of serious misconduct involving (i) death in Police custody, (ii) grievous hurt, as defined in Section 320 of the Indian Penal Code, 1860, (iii) rape or attempt to commit rape, (iv) arrest or detention without due process of law, (v) allegations of corruption, (vi) extortion, (vii) land/house grabbing and (viii) any incident involving serious abuse of authority;

(ii) enquire into allegations of serious misconduct of the above officers either suo-moto or on a complaint received from (a) a victim or family members on his behalf, (b) the National or State Human Rights Commission, and (c) the police;

(iii) require any person to furnish information on such points or matters as in the opinion of the authority may be useful for or relevant to the subject matter of enquiry; and

(iv) make appropriate recommendations to the State Government on any case enquired into it;

4. There shall be a Police Complaints Authority at each district called the District Police Complaints Authority consisting of the following:-

1.	A retired District Judge	-	Chairperson
2.	A police officer superannuated in the rank not below the Superintendent of Police	-	Member
3.	A person of eminence from the civil society	-	Member
4.	An officer of the rank of Dy. Superintendent of Police or equivalent	-	Member Secretary

5. The Chairperson of the District Level Police Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Chief Justice or a Judge of a High Court nominated by him. Members of the District Level Police Complaints Authority shall be selected by the State Government from a panel prepared by a three member Committee comprising (i) the Chairman, State Human Rights Commission, (ii) the State Upa-Lokayukta (Maharashtra) and (iii) the Chairman, Maharashtra Public Service Commission.

6. The District Level Police Complaints Authority shall exercise powers and perform functions as follows :

i) receive complaints against police officers of and upto the rank of Deputy Superintendent of Police posted in the respective districts/Police Commissionerates, if any, located within the particular District;

ii) enquire into allegations of serious misconduct of the above officers either suo-moto or on a complaint received from (a) a victim or family members on his behalf, (b) the National or State Human Rights Commission, and (c) the police;

iii) look into complaints against police officers of and upto the rank of Deputy Superintendent of Police/Assistant Commissioner of Police in respect of serious misconduct involving (i) death in Police custody, (ii) grievous hurt, as defined in Section 320 of the Indian Penal Code, 1860, (iii) rape or attempt to commit rape, (iv) arrest or detention without due process of law, (v) allegations of corruption, (vi) extortion, (vii) land/house grabbing and (viii) any incident involving serious abuse of authority;

iv) forward the complaints to the State Police Complaints Authority against police officers above the rank of Deputy Superintendent of Police/Assistant Commissioner of Police;

v) receive and enquire into the complaints of non-registration of First Information Report; and

vi) make appropriate recommendation to the appropriate authority on any matter enquired into by the Authority.

7. For Commissionerate of Police, Mumbai there shall be a District Police Complaints Authority at Mumbai and Commissionerate of Police, Navi Mumbai will be part of the District Complaints Authority of District Raigad.

8. The terms of office of the persons of eminence appointed by the State Government in the Police Complaints Authority at State Level as well as District Level shall be for a period not exceeding three years. The other terms and conditions of such members shall be as may be prescribed by the State Government.

9. The recommendations of the State Level as well as District Level Police Complaints Authorities, for any action departmental or criminal, against a delinquent police officer shall be binding on the Authority concerned. However, in exceptional cases for reasons to be recorded in writing by the concerned Authority, the recommendations may be departed from.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201307151135523629. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

Charushila Chandrakant Tambekar

Digitally signed by Charushila Chandrakant Tambekar
DN: CN = Charushila Chandrakant Tambekar, C = IN, S = MAHARASHTRA, O = GOVERNMENT OF MAHARASHTRA, OU = HOME
Date: 2013.07.15 12:44:41 +05'30'

(Charushila Tambekar)

Joint Secretary to Government of Maharashtra

Copy forwarded to:

1. The Secretary to the Hon'ble Governor,Rajbhavan, Malbar Hill,Mumbai;
2. Additional Chief Secretary to the Hon'ble Chief Minister;
3. Secretary to the Hon'ble Dy.Chief Minister;
4. P.S. to the Hon. Home Minister;

5. P.S.to the Hon'ble Minister of State for Home;
6. Sr.P.A. to the Chief Secretary;
7. Sr.P.A. to the Addl. Chief Secretary (Home);
8. Sr.P.A. to the Addl. Chief Secretary (Services), General Administration Department;
9. Sr.P.A. to Principal Secretary, Law & Judiciary Department;
10. PA to Secretary (Special), Home Department;
11. The Director General of Police, M.S., Mumbai;
12. All Range Inspector Generals of Police;
13. All Commissioners of Police;
14. All Divisional Commissioners (Revenue);
15. All District Collectors,
16. All Superintendents of Police;
17. All Joint Secretaries / Dy. Secretaries, Home Department;
18. Select File Pol-3, Home Department.